



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule makingAgency: **Department of Labor and Industries**

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-12-029 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☐ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information:

Chapter 296-828 WAC, Hazardous Chemicals in Laboratories
Chapter 296-62 WAC, Part Q, Hazardous Chemicals in Laboratories
Chapter 296-307 WAC, Safety Standards for Agriculture
Chapter 296-800 WAC, Safety and Health Core Rules
Chapter 296-848 WAC, Arsenic

Hearing location(s):

Department of Labor and Industries
Room S117
7273 Linderson Way S.W.
Tumwater, Washington

Date: November 28th, 2005 Time: 1:30 p.m.**Submit written comments to:**

Name: Kimberly Johnson
Address: PO Box 44620
e-mail rhok235@lni.wa.gov
fax (360)902-5619 by December 5, 2005

Assistance for persons with disabilities: Contact

Kimberly Johnson by November 21, 2005 at
rhok235@lni.wa.gov or (360) 902-5008

Date of intended adoption: December 20, 2005(Note: This is **NOT** the **effective** date)**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The Department is rewriting the requirements relating to using hazardous chemicals in laboratories, reorganizing for clarity and removing outdated terminology and unnecessary requirements. This rule is being repealed from chapter 296-62 WAC, and placed into its own chapter, chapter 296-828 WAC. In addition, references throughout our standards are being corrected to reflect the changes.

Reasons supporting proposal: See attachment (a).**Statutory authority for adoption:** RCW 49.17.010, 49.17.040,
49.17.050, 49.17.060**Statute being implemented:** Chapter 49.17 RCW**Is rule necessary because of a:**

Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE

October 18, 2005

NAME (type or print)

Gary K. Weeks

SIGNATURE**TITLE**

Director

CODE REVISER USE ONLY**WSR# 05-21-089**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Labor and Industries

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation.....Steve Cant	Tumwater	(360) 902-5495
Enforcement..... Steve Cant	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

According to RCW 19.85.030 (1)(a), a small business economic impact statement is required only when a rule will "impose more than a minor cost on businesses in an industry." An analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save them time and resources. Therefore, no SBEIS is required.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

There are no costs to assess within these rule amendments. Additionally, the amendments will make the rules easier for employers and employees to understand and use, and thus save them time. (see RCW 34.05.328(5)(b)(iv))

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries

WISHA Services Division

CR-102 Filing Date: October 18, 2005

Hearing Date: November 28, 2005

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Attachment (a)

(Purpose Statement)

NEW CHAPTER:

- Chapter 296-828 WAC, Hazardous Chemicals in Laboratories

NEW SECTIONS:

WAC 296-828-100 Scope

- Put language in this section to tell users who the chapter applies to.

WAC 296-828-20005 Chemical Hygiene Plan

- Moved requirements relating to the chemical hygiene plan into this section.

WAC 296-828-20010 Exposure evaluation

- Moved requirements relating to exposure evaluation into this section.

WAC 296-828-20015 Training

- Moved requirements relating to training into this section.

WAC 296-828-20020 Labeling and Material Safety Data Sheets (MSDSs)

- Moved requirements relating to labeling and MSDSs into this section.

WAC 296-828-20025 Chemicals Produced in Laboratories

- Moved requirements relating to producing chemicals in labs into this section.

WAC 296-828-20030 Medical Evaluations

- Moved requirements relating to medical evaluations into this section.

WAC 296-828-300 Definitions

AMENDED SECTIONS:

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

- Correcting reference

WAC 296-307-704 Scope. What is the purpose of WAC 296-307-704, Emergency response to hazardous substance releases?

- Correcting reference

WAC 296-800-17305 Follow these rules for laboratories using hazardous chemicals.

- Correcting reference

WAC 296-848-100 Scope

Removing an incorrect exemption

REPEALED SECTIONS:

- WAC 296-62-400 Occupational exposure to chemicals in laboratories
- WAC 296-62-40001 Scope and application.
- WAC 296-62-40003 Definitions applicable to all sections of this chapter.
- WAC 296-62-40005 Permissible exposure limits
- WAC 296-62-40007 Permissible exposure determination
- WAC 296-62-40009 Chemical Hygiene plan—General
- WAC 296-62-40011 Employee information and training.
- WAC 296-62-40013 Medical consultation and medical examinations.
- WAC 296-62-40015 Hazard identification.
- WAC 296-62-40017 Use of respirators.
- WAC 296-62-40019 Recordkeeping.
- WAC 296-62-40021 Start-up date.

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Department of Labor and Industries

WISHA Services Division

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Attachment (a)

(Purpose Statement)

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- WAC 296-62-40023 Appendices
 - WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (Nonmandatory).
 - WAC 296-62-40027 Appendix B—References (Nonmandatory).